(c) what action Government has taken thereon?

THE MINISTER OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ): (a) to (c) In their meeting held on 10.1.2008, the Bar Council of Delhi observed that the Judicial Officers who were above the age of 58½ years were not considered for elevation as Judges of the Delhi High Court and expressed the view that the Constitution of India does not provide for any classification of age and that in the matters of appointment of Judges to the High Court, Article 217 of the Constitution of India cannot be overlooked and any policy, written or otherwise, to this effect is inherently unconstitutional.

2. The Bar Council of India considered the above resolution of the Delhi Bar Council and informed the Delhi Bar Council that they resolve and agree with the sentiments expressed and the logic and reasoning behind the resolution and that there is no justification in fixing up the above limit. The Bar Council of India also informed the Bar Council of Delhi that the prescription of upper age limit is unreasonable and would only help to supersede the most experienced judges.

3. In the Conference of Chief Ministers and Chief Justices held on 4.12.1993, it was decided that a District Judge elevated as a Judge of the High Court should have the prospect of serving at least 3 years on the Bench. Accordingly, the Chief Justices of the High Courts were requested to initiate proposals at least 6 months prior to a Judicial officer attaining the age of 59 years so that even if 6 months are taken in processing the proposal, the person will have 3 years clear tenure on the Bench.

4. In consultation with the Chief Justice of India, in September, 2004, it was decided that a Judicial Officer shall be eligible for being considered for elevation as a Judge of the High Court if he is or was within the prescribed age limit of 58½ years or below on the date of occurrence of the vacancy against which he is being considered, irrespective of when the Collegium recommends him for elevation as a Judge of the High Court.

5. There is no proposal before the Government to make any change in the present system.

Hindu Minority Act

3629. SHRI VIJAY J. DARDA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that in accordance with the provision of the Hindu Minority and Guardianship Act, a marriage between a six months old girl and one year old boy is valid and it is neither void nor viodable;

(b) if so, whether it is incongruent with the prevailing law prescribing the age of 21 years for men and 18 years for women for a marriage to be valid; and

(c) when Government proposes to abolish such obsolete laws like the Hindu Minority and Guardianship Act, etc., so as to move with a pragmatic approach in the fast-changing universal social scenario?

THE MINISTER OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ): (a) No, Sir. The Hindu Minority and Guardianship Act, 1956 deals with the law relating to minority and guardianship. This Act does not deal with void/voidable marriages.

(b) and (c) Question do not arise, in view of reply (a) above.

Illegal Mines

3630. SHRI A. ELAVARASAN: Will the Minister of MINES be pleased to state:

(a) whether the number of illegal mines in the country has increased recently;

(b) if so, what are the steps taken by Government for closure of illegal mines, which is causing threat to environment and the dwelling communities; and

(c) the number of cases filed against illegal miners and the details of action taken by Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF MINES (SHRI B. K. HANDIQUE): (a) to (c) As per the provisions of the Mines & Minerals (Development & Regulation) Act, 1957 (MMDR Act, 1957) no mining operations can be undertaken without a valid mining lealse granted under the Act and the rules framed thereunder. Instances of illegal mining come to the notice of Government from time to time. State Governments have been empowered under section 23C of the MMDR Act to frame rules for prevention of illegal mining, transportation of minerals etc. The Central Government has also directed State Governments to constitute task forces at State/District level for prevention of illegal mining and furnish quarterly returns on illegal mining for review by Ministry of Mines. As per available information for the period from 01.7.2005 to 31.12.2007, 85264 cases of illegal mining of major/minor minerals have been detected. 1907 FIRs have been lodged and 15203 court cases have been filed in the matter, out of which 12408 cases have been decided and a total of Rs. 166.08 crores has been realized as fine. State Governments have also seized the illegally mined minerals, machinery used therein, and auctioned/compounded the same to recover rent, royalty or taxes under Section 21(5) of the MMDR Act, 1957.

Notification of Mineral Prices by Indian Bureau of Mines

3631. SHRI RAMDAS AGARWAL: Will the Minister of MINES be pleased to state:

(a) whether it is a fact that Indian Bureau of Mines (IBM) notifies the average price of minerals each months, based on which the State Governments collects royalty from the lessees;

(b) whether it is also a fact that since May, 2007, no month-wise price has been notified by IBM, with the result that State Governments are unable to assess/collect exact royalty from the lessees for a particular month in time; and

(c) if so, whether Government would ensure that in future the average price of minerals is published every month in time, to avoid complication of reassessment and collection/ adjustment of different royalty?

THE MINISTER OF STATE IN THE MINISTRY OF MINES (SHRI B. K. HANDIQUE): (a) Indian Bureau of Mines publishes State wise average values of non-atomic and non fuel minerals other than aluminium (bauxite and laterite dispatched for use in alumina and aluminium metal extraction), primary gold, silver, copper, lead, zinc, nickel and tin after collecting relevant data based on which royalty is charged on *ad-valorem* basis for each month.